

BILL NO. Z-85- 03-46

ZONING MAP ORDINANCE NO. Z- 04-85

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. S-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That the area described as follows is hereby
designated a P.O.D. (Professional Office District) under the terms of
Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

EXHIBIT "A"

1.00 acre of land in the East half of the Southeast
Quarter of Section 32, Township 31 North, Range 13 East,
in Allen County, Indiana, described as follows, to-wit:

Beginning at a point on the North line of the East Half
of the Southeast Quarter of Section 32, Township 31 North,
Range 13 East, the said point being situated 185.5 feet West
of the Northeast corner of the East Half of the Southeast
Quarter of Section 32, Township 31 North, Range 13 East;
thence South 10 minutes West a distance of 485.1 feet;
thence West a distance of 90.5 feet; thence North 10 minutes
East a distance of 485.1 feet to the said North line of the
East Half of the Southeast Quarter of Section 32, Township
31 North, Range 13 East; thence East along the said North
line of the East Half of the Southeast Quarter of Section 32,
Township 31 North, Range 13 East, a distance of 90.5 feet
to the place of beginning, TOGETHER WITH:

One acre of land in the East Half of the Southeast Quarter of
Section 32, Township 31 North, Range 13 East in Allen County,
Indiana, described as follows: Beginning at a point on the
North line of the East Half of the Southeast Quarter of Section
32, Township 31 North, Range 13 East, in Allen County, Indiana,
the said point being situated 276 feet West of the Northeast
corner of the East Half of the Southeast Quarter of Section 32,
Township 31 North, Range 13 East; thence South 10 minutes West,
a distance of 485.1 feet; thence West, a distance of 90.5
feet; thence North 10 minutes East, a distance of 485.1 feet
to the North line of the East Half of the Southeast Quarter
of Section 32, Township 31 North, Range 13 East; thence
East along the said North line of the East Half of the
Southeast Quarter of Section 32, Township 31 North, Range 13
East, a distance of 90.5 feet to the point of beginning,
containing 1 acre of land, more or less.

EXHIBIT "B"

The West 90.5 feet of the East 457.0 feet of the North
481.25 feet of the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 32,
Township 31 North, Range 13 East, Allen County, Indiana.

1 Bill No. Z-85-

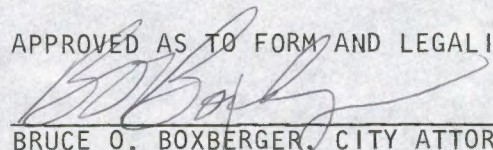
2 Page two

3
4 and the symbols of the City of Fort Wayne Zoning Map No. S-14, as
5 established by Section 11 of Chapter 33 of the Code of the City of Fort
6 Wayne, Indiana are hereby changed accordingly.

7 SECTION 2. That this Ordinance shall be in full force and
8 effect from and after its passage and approval by the Mayor.

9
10
11 
12 COUNCIL MEMBER

13 APPROVED AS TO FORM AND LEGALITY:

14 
15 BRUCE O. BOXBERGER, CITY ATTORNEY

16
17 Fox River Bond
18 25% COTTON
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Read the first time in full and on motion by Redd, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee Legislation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____.M.,E.S.

DATE: 3-26-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Redd, seconded by Stier, and duly adopted, placed on its passage. PASSED ~~(LOST)~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>1</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>1</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>1</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>1</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>1</u>	_____	_____	_____	_____
<u>REDD</u>	<u>1</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>1</u>	_____	_____	_____	_____
<u>STIER</u>	<u>1</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>1</u>	_____	_____	_____	_____

DATE: 4-23-85

Wendy Eschaff
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-04-85 on the 23rd day of April, 1985,

ATTEST:

(SEAL)

Wendy Eschaff
SANDRA E. KENNEDY, CITY CLERK

Mark E. Giaquinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of April, 1985, at the hour of 11:30 o'clock A.M.,E.S.T.

Wendy Eschaff
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 25th day of April, 1985, at the hour of 9:00 o'clock A.M.,E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

TO: COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA

Date Filed _____

Intended Use _____

~~XX~~/We John D. Christman and East State Professional Center, an Indiana General Partnership
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana,
by reclassifying from ~~XX~~ an R-3 district to a ~~XX~~ P.O.D. district the
property described as follows:

- (1) A 2-acre parcel of land in the E 1/2 of the SE 1/4 of Section 32-31-13 more fully
described on Exhibit A attached hereto and made a part hereof AND
(2) A 1-acre parcel of land in the E 1/2 of the SE 1/4 of Section 32-31-13 more fully
described on Exhibit B attached hereto and made a part hereof.

(Legal Description)

(General Description for Planning Staff Use Only)

~~XX~~/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum
(51%) or more of the property described in this petition.

John D. Christman
EAST STATE PROFESSIONAL
CENTER, an Indiana
General Partnership

4622 E. State, Ft. Wayne, IN 46815
4606 E. State, Ft. Wayne, IN 46815

(Name)

(Address)

By: *James R. Platt*
James R. Platt, Partner
By: *David A. Bleeke*
David A. Bleeke, Partner
By: *E. L. Dellinger*
E. L. Dellinger, Partner
By: (see above -- *)
(Signature) Partner
R. M. Stetzel

Legal Description Checked By: _____

(City Engineer)

NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of the ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:

William D. Swift, Attorney

(Name)

590 Lincoln Tower
Fort Wayne, IN 46802

(Address)

(219) 423-4422

(Telephone Number)

CITY PLAN COMMISSION, CITY-COUNTY BUILDING, Room # 880, ONE MAIN STREET, FORT WAYNE,
INDIANA, 46802 Telephone Number: 423-7571

EXHIBIT "A"

1.00 acre of land in the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, described as follows, to-wit:

Beginning at a point on the North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, the said point being situated 185.5 feet West of the Northeast corner of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence South 10 minutes West a distance of 485.1 feet; thence West a distance of 90.5 feet; thence North 10 minutes East a distance of 485.1 feet to the said North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence East along the said North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, a distance of 90.5 feet to the place of beginning, TOGETHER WITH:

One acre of land in the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, described as follows:

Beginning at a point on the North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, the said point being situated 276 feet West of the Northeast corner of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence South 10 minutes West, a distance of 485.1 feet; thence West, a distance of 90.5 feet; thence North 10 minutes East, a distance of 485.1 feet to the North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence East along the said North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, a distance of 90.5 feet to the point of beginning, containing 1 acre of land, more or less.

EXHIBIT "B"

The West 90.5 feet of the East 457.0 feet of the North 481.25 feet of the East 1/2 of the Southeast 1/4 of Section 32, Township 31 North, Range 13 East, Allen County, Indiana.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 26, 1985, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-85-03-46; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 18, 1985;

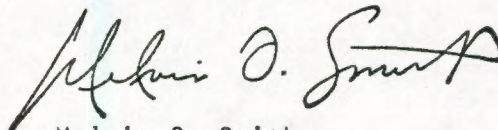
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 25, 1985.

Certified and signed this
8th day of April 1985.



Melvin O. Smith
Secretary

ORIGINAL

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance AmendmentDEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

3-85-03-46

SYNOPSIS OF ORDINANCE 4606 East State Street

EFFECT OF PASSAGE Property is now zoned R-3 - Multi-Family Residential.
Property will become POD - Professional Office District.

EFFECT OF NON-PASSAGE Property will remain R-3 - Multi-Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

FACT SHEET

Z-85-03-46

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

4606 East State Blvd.

Reason for Project

Enlargement of an existing P.O.D.

Discussion (Including relationship to other Council actions)March 18, 1985 Public Hearing

William Swift, attorney for the petitioners stated that this rezoning would be an extension of the P.O.D. being developed to the north. He stated they are trying to rezoned to make all of the real estate a POD and provide an office park for the entire 3 parcels of land. He stated his clients own the property to the south and the property to the west as well as the property up for rezoning and the property to the north that is already zoned POD. He stated that all of the property stated above is under one ownership that of East State Professional Center, which is a partnership consisting of six dentists. He stated they feel it would be a benefit to the community to make all of the property compatible for professional offices. He stated that the property is presently R-3 and the P.O.D zoning is a more restrictive zoning than the R-3.

Mel Smith, Commissioner, questioned whether the access from State Street was two-way. Can people turn left or right from the access.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**Applicant(s)
East State Professional Ctr.

City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☒ For ☐ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass ☐ Other☐ Pass (as
amended) ☐ Hold☐ Council Sub. ☐ Do not pass

DETAILS

Mr. Swift stated that they are aware that State is a highly traveled artery, but the center also has an access from Reed Road, which eliminates some of the use of the State Street access.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

March 21, 1985 Business Meeting

Motion to approve was made and carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date February 22, 1985

Projected Completion or Occupancy

Date April 4, 1985

Fact Sheet Prepared by

Pat Biancaniello

Date April 4, 1985

Reviewed by
Gary E. Baeten

Date April 4, 1985

Reference or Case Number

RECEIPT

5-14

COMMUNITY DEVELOPMENT & PLANNING

No 10881

FT. WAYNE, IND., 2-22- 1985

RECEIVED FROM

East State Professional Center\$ 50.00

THE SUM OF

Fifty Dollars & 00/100

100

DOLLARS

ON ACCOUNT OF

Reopening - East State Professional Center
from B-3 to PODB.J. Wells

AUTHORIZED SIGNATURE

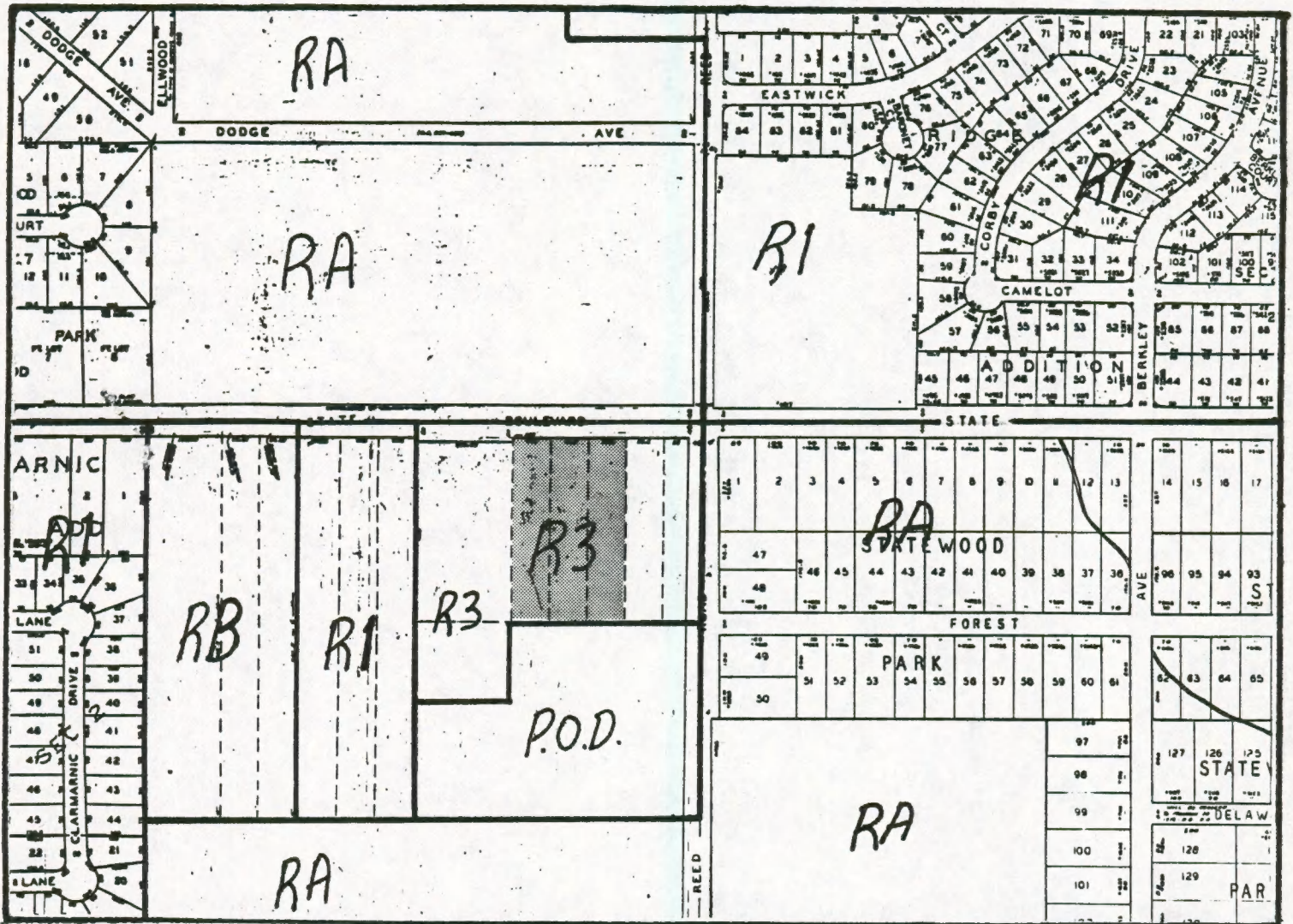
ZONING PETITION

- #120

A LOCATION MAP FOR 4606 E. STATE BLVD.

MAP NO. S-14

COUNCILMANIC DISTRICT NO. 2



Zoning:

Land Use:

- R1 RESIDENTIAL DISTRICT
- R3 RESIDENTIAL DISTRICT
- RA RESIDENCE "A"
- RB RESIDENCE "B"
- P.O.D. PROFESSIONAL OFFICE DISTRICT

BILL NO. Z-85-03-46

Scale: 1" = 400'

Date: 3-4-85



BILL NO. Z-85-03-46

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~XXXXXXXXXXXX~~ (RESOLUTION)) amending the City of Fort

Wayne Zoning Map No. S-14

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE).

(RESOLUTION)

YES

NO

CHARLES B. REDD
CHAIRMAN

JANET G. BRADBURY
VICE CHAIRWOMAN

JAMES S. STIER

BEN A. EISBART

DONALD J. SCHMIDT

CONCURRED IN 7-23-85

SANDRA E. KENNEDY
CITY CLERK